

REMARKS

For the Examiner's convenience, Applicants will now address stated issues and grounds for rejection of the pending claims under the appropriate subheadings.

Claim Amendments

Independent Claims 1, 5, 7 and 13 have been amended to recite that the biologically active agent is present from about 0.01% to about 50% (w/w) of the compositions. Support for this amendment can be found at page 8, lines 23-25 of the Specification.

Rejection of Claims 1-17 Under 35 U.S.C. §101

The Examiner has rejected Claims 1-17 under 35 U.S.C. § 101 as claiming the same invention of Claims 1-23 of U.S. Patent No. 5,656,297 and Claims 1-8 of U.S. Patent No. 5,912,015. It is noted that both patents cited by the Examiner are commonly owned with the present application and a claim of priority to each has been presented herein.

Independent Claims 1, 5, 7 and 13 have been amended to recite that the biologically active agent is present from about 0.01% to about 50% (w/w) of the composition. The amendment of the claims to recite the amount of biologically active agent present overcomes the rejection under 35 U.S.C. § 101. Specifically, the claims of the prior patents do not recite the amount of biologically active agent present. Reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By *Susan M. Abelleira*
Susan M. Abelleira
Registration No. 42,252
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

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